



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,948	09/19/2000	Rainer Barth	67190/993896	5237

26646 7590 09/28/2004

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 09/28/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/664,948

Applicant(s)

BARTH, RAINER

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Appeal Brief, filed 07/12/2004, with respect to the independent claims have been fully considered and are persuasive. The finality of the previous rejection has been withdrawn. Please see the new grounds of rejection below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime (USPN 6,591,296) in view of Levi et al. (USPN 6,477,667).

4. Regarding claim 1, Ghanime (USPN 6,591,296) teaches a system for control of devices comprising:

- a. A converter which associates predefined operating states on an individual basis to respective messages and/or alarms that, if one of the predefined operating states is present, the SMS message and/or and email about the one of the predefined operating states is sent to a predefined distribution group (column 3, lines 59-62; column 3, line 59 – column 4, line 5).
- b. Means to associate each of the predefined operating states with: i) an address to whom the SMS message and/or email message is to be

sent and ii) information identifying particular information to be included in the SMS message and/or email message (column 4, lines 6-8, 20-34).

- c. Wherein after one of the predefined operating states is detected, the respective message and/or alarm associated with the one of the predefined operating states is sent via the SMS message and/or email to the respective distribution group associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution

Art Unit: 2153

group and information identifying particular information to be included in the message (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the use of the table allows for fast and reliable updating without a significant amount of administrative work.

5. Regarding claim 4, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches an operating keyboard to effect the association by editing (column 5, lines 36-40).

6. Regarding claim 5, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein the converter is configured to initiate a bit poll, the bit poll for polling at least one system component for operation state information (column 3, lines 40-46).

7. Regarding claim 6, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein the SMS message and/or the email about the one of the predefined operating states is sent to the predefined address when one of the predefined operating states arises (column 3, line 59 – column 4, line 5).

Art Unit: 2153

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the message is sent to a distribution group.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations wherein the message is sent to a distribution group (column 4, lines 31-35).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing multiple recipients in a distribution group. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution.

8. Regarding claim 7, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein each respective distribution group includes at least one person and/or distribution site (column 4, lines 2-5).

9. Regarding claims 9 and 11, Ghanime (USPN 6,591,296) teaches a system for monitoring comprising:

- a. A converter which associates predefined operating states on an individual basis to respective messages and/or alarms (column 3, lines 59-62; column 3, line 59 – column 4, line 5).

Art Unit: 2153

- b. Means to associate each of the predefined operating states with: i) an address to whom the SMS message and/or email message is to be sent and ii) information identifying particular information to be included in the SMS message and/or email message (column 4, lines 6-8, 20-34).
- c. A transmitter configured to send the message and/or alarm associated with the one of the predefined operating states after the one of the predefined operating states is detected, the message and/or alarm being sent via the SMS message and/or email to the respective address associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table

Art Unit: 2153

which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the use of the table allows for fast and reliable updating without a significant amount of administrative work.

10. Regarding claims 13 and 15, Ghanime (USPN 6,591,296) teaches a system for monitoring comprising:

- a. A converter which associates predefined operating states on an individual basis to respective messages and/or alarms (column 3, lines 59-62; column 3, line 59 – column 4, line 5).
- b. Means to associate each of the predefined operating states with an address to whom the SMS message and/or email message is to be sent (column 4, lines 6-8, 20-34). Note that the MDC is a distribution group.
- c. A transmitter configured to send the message and/or alarm associated with the one of the predefined operating states after the one of the predefined operating states is detected, the message and/or alarm

being sent via the SMS message and/or email to the respective address associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the

Art Unit: 2153

use of the table allows for fast and reliable updating without a significant amount of administrative work.

11. Regarding claims 8, 10, 12, 14, and 16, although the system disclosed by Ghanime (USPN 6,591,296) (as applied to claims 1, 9, 11, 13, and 15) shows substantial features of the claimed invention, it fails to disclose means wherein the table associates at least two of the predefined operating states with a different respective distribution group.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for remote monitoring of equipment wherein the table associates at least two of the predefined operating states with a different respective distribution group (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of different distribution groups depending on the type of alarm or message. This benefits the system by allowing errors from different sensors to be sent to different locations that may have greater expertise in that specific fault.

Art Unit: 2153

12. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) as applied to claim 1 above, and further in view of Kuwabara (USPN 6,065,136).

13. Regarding claim 2, although the system disclosed by Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the email has a file attached to it.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667), as evidenced by Kuwabara (USPN 6,065,136).

In an analogous art, Kuwabara (USPN 6,065,136) discloses a system for email notification of alerts wherein the email has a file attached to it (column 5, lines 15-18, 20-23).

Given the teaching of Kuwabara (USPN 6,065,136), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) by employing the use of file attachments in the sending of data. This benefits the system by allowing for different data types and even programs to be sent along with the email alert.

14. Regarding claim 3, although the system disclosed by Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667)(as applied to claim 2) shows substantial features of the claimed invention, it fails to disclose means wherein the file is a trace file, the trace file including an operating sequence preceding the message and/or alarms.

Art Unit: 2153

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667), as evidenced by Kuwabara (USPN 6,065,136).

In an analogous art, Kuwabara (USPN 6,065,136) discloses a system for email notification of alerts wherein the file is a trace file, the trace file including an operating sequence preceding the message and/or alarms (column 4, lines 18-23; column 5, lines 15-18).

Given the teaching of Kuwabara (USPN 6,065,136), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) by employing the use of a trace file. This type of file benefits the system by allowing for historical tracking of the diagnostic data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100